

APPENDIX LVII.

(See Note below Rule 862).

GENERAL INSTRUCTIONS FOR REGULATING THE GRANT OF PERMISSION FOR THE TAKING OUT OF PATENTS BY GOVERNMENT SERVANTS WHOSE DUTIES INVOLVE THE CARRYING OUT OF SCIENTIFIC OR TECHNICAL RESEARCH.

1. Application for permission under Rule 862 should be made by the Government servant making an invention to the head of his department or if he is himself the head of the department to the department of Government under whom he is serving.

2. The head of the department should deal with the application confidentially and with expedition so that the inventor may not be prejudiced by delay in making his application at the Patent Office, and should forward it with his recommendations to the department of Government under whom he is employed.

3. Permission may be granted by the department of Government to the applicant without any restriction if the invention has no connection with the Government servant's official duties and has not resulted from facilities provided at Government expense.

4. If the invention is made in the course of the Government servant's official duties or has resulted from facilities provided at Government expense, then—

(a) if the invention is of such general interest and utility that the public interest will be best served by allowing the public a free use of the invention, the application for taking out a patent should be refused and the invention should be published. An *ex gratia* payment should ordinarily be made to the inventor as a reward in all such cases ;

(b) if the invention is not of the kind mentioned in (a) but is of sufficient public utility as is likely to make its commercial exploitation profitable the inventor should be directed to take out a patent and to assign his rights under the patent to the Governor of Bombay. In all such cases, the inventor should be rewarded either by a suitable lump sum payment or by a liberal percentage of the profits made by Government in connection with the invention ;

(c) in other cases, the inventor should be allowed to take out a patent for his own benefit subject to his undertaking to permit Government the use of the invention either without payment or on such terms as they may consider reasonable.

5. When the invention has been assigned to the Governor of Bombay under paragraph 4 (b) above, the department of Government concerned may exploit the patent themselves, or—

(a) advertise the patent and grant licenses on payment to manufacturers ;
or

(b) sell the rights under the patent to a firm or to a private person.

6. In order to secure reasonable uniformity of practice and to secure for Government the full benefits of inventions, the Controller of Patents and Designs should ordinarily be consulted before any awards are made under clauses (a), (b) and (c) of paragraph 4 above or steps are taken for the exploitation of the patents under paragraph 5 above.